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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/502,286	02/09/2005	Henning Baltzer Rasumussen	900.44033X00	1843

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ARLINGTON, VA 22209-3873

EXAMINER
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LEE, JONG SUK

ART UNIT	PAPER NUMBER
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3673

DATE MAILED: 10/28/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

10/502,286

Applicant(s)

RASUMUSSEN, HENNING  
BALTZER

Examiner

Jong-Suk (James) Lee

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 36-70 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 36,37,42-48,51-54 and 57 is/are rejected.
- 7) ☒ Claim(s) 38-41,49,50,55,56 and 58-70 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
  3. ☒ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date 10/14/2004.
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_.

### **DETAILED ACTION**

1. The preliminary amendment and second preliminary amendment filed July 22, 2004, respectively, have been entered.
2. The substitute specification filed July 22, 2004 has been entered.
3. Claims 48 and 60 directed to a foundation pile with a footing element and a method for placing foundation pile, respectively, has been treated as an independent claim in a shorthand form.

### ***Claim Rejections - 35 USC § 103***

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 36, 37, 42-48, 51-54 and 57 are rejected under 35 U.S.C. 103(a) as being unpatentable over Clapper (US 2,966,243) in view of Fisher (US 727,335).

Clapper discloses a reinforcement unit (Fig. 4) for reinforcing a footing element when laying pile foundations with a foundation pile (2) with at least one through-going longitudinal cavity, comprising: shaped and articulated reinforcement members (44) that are pivotally connected to a centrally arranged element, so that the reinforcement unit has a folded mounting

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position (Fig. 3) and an extended position (Fig. 2) of use, and the reinforcement unit being connected to the foundation pile by at least one tension member (24, 32, 42), wherein the reinforcement unit in the folded mounting position passes through the at least one through-going longitudinal cavity of the foundation pile, the tension members comprise a threaded rod (32), the reinforcement member further including retainer elements (12) that are fastened to a joining arrangement (24) in the at least one tension member and are provided with a cross-sectional shape with at least one retainer surface, the connecting arrangement in the at least one tension member is one of a plate and bolt joint, means (38, 50) for expanding the reinforcement members, which is one of a spreading element, wherein the footing element includes a pile foot (40) and the reinforcement unit or the pile foot is connected with the foundation pile with the at least one tension member (42), wherein the means for fastening the at least one tension member to the pile foot is at least one of a press joint (Fig. 2), provided inside the pile foot through which a tension member may be passed, wherein the pile foot upwardly has a top element which corresponds in cross-sectional shape to at least one through-going longitudinal cavity, and the top element has a tapering shape upwardly which is symmetric about the center line of the pile foot, wherein the pile foot is provided downwardly with a tapering shape, wherein a folded reinforcement unit is provided at a lower end of the through-going longitudinal cavity, including articulated reinforcement members that at one end are movably arranged around a centrally arranged annular element, and a free end of each reinforcement member is shaped so that an end at least projects over a center line of the top element of the pile foot, wherein the foundation pile has at least one external reinforcement (see Figs. 1-5; col.1, lines 71-72; col.2, lines 1-72; col.3, lines 1-75; col.4, lines 1-14).

However, Clapper fails to disclose or fairly suggest the centrally arranged member being annular ring and the reinforcement being formed by a network of wires.

Fisher discloses a post/piling comprising a foundation pile (C), reinforcement members/prongs/wires (A) being pivotally connected to a centrally arranged annular ring (a), a rammer (D) being pressed the reinforcement members from a folded mounting position to an extended position of use (Fig. 5 and Fig. 1), the ring is formed to have a diameter equal to a diameter of a bottom of the foundation pile, and a pile foot (B) being connected to the bottom of the foundation pile (see Figs. 1-5; entire document).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to replace the reinforcement members of Clapper with the reinforcement ring/wire assembly as taught by Fisher in order to reduce the manufacturing cost by providing simpler structure to the reinforcement members.

#### ***Allowable Subject Matter***

6. Claims 38-41, 49, 50, 55, 56 and 58-70 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

#### ***Conclusion***

7. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Other references cited disclose a piling for driving and setting the piling in-situ, anchoring device with extendable blades and a yard swing stabilizer apparatus.

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8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jong-Suk (James) Lee whose telephone number is (571) 272-7044. The examiner can normally be reached on 6:30 am to 3:00 pm, Monday thru Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Heather C. Shackelford can be reached on (571) 272-7049. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

J. Lee /jjl  
October 19, 2005



**Jong-Suk (James) Lee**  
**Primary Examiner**  
**Art Unit 3673**